

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2008-31
February 20, 2008

SUBJECT: Establishment of a Retirement Awards Program Pursuant to the Provisions of Section 1902.1(a) (6) and 1904.7 of Chapter 19 of the D.C. Personnel Regulations, Incentive Awards

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22 (11) (2007 Supp.), it is hereby **ORDERED** that:


1. Pursuant to the provisions of section 1902.1(a)(6) and 1904.7 of the Notice of Emergency and Proposed Rulemaking to Amend Chapter 19 of the D.C. Personnel Regulations on Incentive Awards, specifically Retirement Awards, to be published in the D.C. Register dated February 29, 2008, on an Emergency basis by the Director of the D.C. Department of Human Resources (DCHR), a Retirement Awards Program is hereby established for the remainder of the calendar year 2008.
2. The purpose of Retirement Awards is to recognize the length of District government service of the recipients of the award as they end their careers with the District government via retirement.
3. The following categories of employees shall be eligible to receive Retirement Awards pursuant to this Order and section 1904.7 of the Regulations:
 - (a) Except as specified in Paragraph 4 (b) of this Order, an employee retiring under any of the retirement provisions of the Civil Service Retirement System (Chapter 83 of Title 5 of the U.S. Code), including the law enforcement or firefighter provisions;
 - (b) An employee covered under the District government retirement system applicable to persons first employed by the District government after September 30, 1987 (Defined Contribution Plan) who has completed at least five (5) years of creditable service with the District government and has vested under the Defined Contribution Plan and is separating from District government service after becoming entitled to retirement benefits under the Social Security Act; and

- (c) An employee subject to the Regulations retiring under any of the other District government retirement systems.
4. The following categories of employees are ineligible to receive Retirement Awards:
 - (a) An employee who is in a position designated by the agency head as a critical position;
 - (b) An employee retiring under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336 (d)(1), or under the disability retirement provisions of 5 U.S.C. § 8337;
 - (c) An employee who receives a proposal or a final decision notice of removal for cause;
 - (d) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony; and
 - (e) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor.
 5. No Retirement Award granted shall exceed fifty percent (50%) of an eligible employee's annual rate of basic pay, or up to twenty five thousand dollars (\$25,000), whichever is lower.
 6. Retirement Award payments shall be prorated in the case of part-time employees.
 7. The disbursement of funds for Retirement Awards shall be subject to the following conditions:
 - (a) The submission to the City Administrator of the agency's proposal or plan for the awards, including a list of employees to whom the award would be granted, the proposed amount of each award, and a list of critical positions, if any;

- (b) The availability of funds within each agency, as certified by the agency's Chief Financial Officer;
 - (c) The approval of the agency proposal or plan by the City Administrator; and
 - (d) Procedures issued by the Director, DCHR, including guidance and criteria for agency heads to determine the amount of each individual Retirement Award to be granted.
8. For the purposes of Paragraph 4 (a) of this Order, the term "critical position" means a position whereby non-performance of the duties of the position would adversely affect the fulfillment of the mission or the function of an agency, office, or department, or any lesser organizational component.
9. For the purposes of Paragraph 4 (e) of this Order, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one (1) year or a fine of at least one thousand dollars (\$1,000).
10. **EFFECTIVE DATE:** This Order shall become effective immediately.



ADRIAN M. FENTY
MAYOR

ATTEST: 
STEPHANIE D. SOTT
SECRETARY OF THE DISTRICT OF COLUMBIA